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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,732	11/08/2001	Hirotomo Yotsugi	F-7219	4988

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JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK, NY 10168

EXAMINER	
BROCKETTI, JULIE K	
ART UNIT	**PAPER NUMBER**
3713	

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/007,732	YOTSUGI ET AL.	
	Examiner	Art Unit	
	Julie K Brocketti	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 March 2004* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-9,11-13 and 15-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-9,11-13 and 15-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *03312004* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed March 31, 2004 fails to comply with 37 CFR 1.97(c) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered. The IDS states that it was filed before a first office action; however, it was filed after the mailing of the first office action.

Claim Objections

Claim 1 is objected to because of the following informalities: The claim states "...transmitting the questions generating by the question generating means..." The word "generating" should be "generated" so that the phrase states "...transmitting the questions generated by the question generating means..." Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 3-9, 11-13, 15, 16, 22 and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1, 9, 13, and 23 state that "the enrollment processing means performing enrollment processing without the employment test only upon receipt of application information from a non-member player in response to the recruiting information sent to the mail address of the non-member player and, when the non-member player provides application information not in response to recruiting information, the enrollment processing means performing enrollment processing with the employment test." The process of performing processing without the employment test when a non-member responds to recruitment information is not mentioned in the specification. The specification merely states on page 32 that "In "refer friend" game mode, the design may be such that a predetermined admission test is passed." Consequently, it is not that enrollment is performed without the admissions test, it is that the admissions test is considered to be passed and is still used for enrolling a member. Furthermore, the specification does not mention the steps of "...performing different enrollment processing upon receiving application information from the non-member player depending on whether the application information is received from the non-member player

in response to the recruiting information..." On page 30 of the specification it states, "When a referred individual indicates intent to apply for the job and subsequently passes a predetermined admission test, the advantage conferring..." Therefore, the general enrollment process in a referral situation does not appear to be "different" from the regular enrollment procedure in that the test must be taken. The statement on page 32 of the specification which states "In "refer friend" game mode, the design may be such that a predetermined admission test is passed" also does not state that the enrollment process is different, just that the test is automatically passed, but not done away with. Therefore, the claims include new matter, which was not described in the specification at the time the invention was filed.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 22 states "...to perform different enrollment processing..." However, unlike claims 1, 9 and 13, claim 22 does not explain how the enrollment processing is different. Consequently, the claim is indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Contents of the New Products for Cell Phone" in view of "Network News" in further view of Klein et al., U.S. Patent No. 6,709,330 B1. "Contents of the New Products for Cell Phone" teaches of a network game system for playing a game with the aim of achieving a predetermined goal of the game. The game is played via monitor-equipped data terminals, i.e. cell phones, operated by member players in a game space simulating a virtual company provided on a game server while being in communication with the game server on a network. One game embodiment creates the interior of a virtual company in which the game is a character-training game in which virtual employees associated with data terminals are trained, aiming at becoming president of the virtual company (See "Contents of the New Products for Cell Phone"). "Contents" lacks in disclosing transmitting data from the game server to a non-member player and lacks in specifically disclosing a company data storage portion for storing data relating to a plurality of virtual companies.

Network News describes a "Friend Introduction Area" using a system with recruiting information generating means for generating, upon receipt from a member referral information specifying a mail address of a data terminal of a non-member. Data is transmitted from the server to the monitor-equipped data terminal of a non-member player via the network. The recruiting information specifies the member. An enrollment process is started upon receiving application information from the non-member in response to the recruiting information sent to the mail address of the non-member. The member then has advantages conferred on them such as free access time, thus being added to the amount of access time previous allowed. It would have been obvious at the time the invention was made to have the advantage conferring means be the addition of a score to a player in a game situation. The advantage conferring means is a recruitment bonus for the member who helps recruit another person. Recruitment bonuses are well known throughout the art and can be a variety of items such as points, time, prizes, etc. A report is generated for informing the member that the non-member referred by him or her has enrolled. It would have been obvious at the time the invention was made to utilize the recruitment system disclosed in "Network News" with the network games of "Contents of the New Products for Cell Phone". By recruiting players to play games, there would be more characters within the game thus making it more enjoyable to play. (See "Network News" page 4).

Klein teaches of a video game in which players purchase stock. Therefore, a company data storage portion exists for storing data relating to a plurality of virtual companies. A player is shown data on a monitor-equipped data terminal and is allowed to select one of the companies. It is obvious that the company data storage portion stores a plurality of data comprising various categories of business and includes as virtual company data, the name of the president, total assets, number of employees and ratings indicating a popularity index and trust (See Klein col. 5 lines 10-23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have information about the company available to a player in order for the player to make a selection of which company they would like to work for in a game. By knowing what type of company the game involves, players can make more informed decisions of whether or not they even want to play the game or which company appeals to them to work for.

Response to Amendment

It has been noted that claims 1, 3-9, 11-13, 15 and 16 have been amended. Claims 2, 10 and 14 have been deleted. New claims 17-23 have been added.

Response to Arguments

Applicant's arguments filed March 29, 2004 have been fully considered but they are not persuasive.

The Applicant argues that based on the paragraph bridging pages 11 and 12 the enrollment process portion jumps to the introductory screen when a non-member player accepts the solicitation to join the virtual company and thereby avoids the employment test. The Examiner agrees that the specification does state that the enrollment processing means jumps to the introductory page; however, it is understood that on the introductory page is where the potential employee must take the test as noted above in reference to page 30 of the specification.

The Examiner notes that claims 1, 3-9, 11-13, 15 and 16 do overcome the prior art; however, they do not overcome the written description requirement.

In response to new claims 20-23 please see the rejection above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Brocketti whose telephone number is 703-308-7306. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JB

T. Walberg
Teresa Walberg
Supervisory Patent Examiner
Group 3700